

Plaintiff in pro per

James Alan Bush,) Case No.: C 08-01354 (RS) JF
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Plaintiff,) MOTION FOR EXPEDITED DISCOVERY
)
)
v.) [Fed. R. Civ. P. Rules 26(D), 33(A)]
)
)
Sunnyvale Department of Public)
Safety, et al.,)
)
)
Defendants.) Judge Jeremy Fogel
)

Plaintiff, James Alan Bush, moves this Court for an order permitting discovery in advance of the Rule 26(f) discovery conference, and in particular ordering the San Jose Police Department, Santa Clara County Office of the Sheriff, and the California Department of Motor Vehicles, and each of them, to provide the following:

1. motor vehicle records for vehicles, which were driven by Defendants, STALKER DOES ONE to SEVEN, and bore these California license plate numbers: 4ZVC298, 4DNA533, 5RIS535, 5ZDX505, 5BZD520, 4RPG034, 5ARY006, and 3J97739; and,
2. the personal information of the aforementioned vehicles' registered owners, between February 23rd, 2006, and March 12th, 2008.

PROPOSED ALTERNATIVE REMEDY

In the alternative, Plaintiff has prepared a motion for writ of mandate, asking this Court to require either (1) the Superior Court of California, County of Santa Clara, Family Division, to hear Plaintiff's cause for seeking discovery of the stalkers' identities in conjunction with his petition for a temporary restraining order; or, (2) the California Department of Motor Vehicles, Santa Clara County Office of the Sheriff, and San Jose Police Department, and each of them, to provide the requested information to the plaintiff and/or the Court.

GROUND FOR RELIEF

1. This action alleges stalking and harassment by individuals driving these vehicles. In order to serve temporary restraining orders and summons for the action in which they are defendants, their true names and capacities must be ascertained. Plaintiff has a statutory right to this information under Title 18 Part I Chapter 123 § 2721, which authorizes the California Department of Motor Vehicles to release "personal information," as defined by Title 18 Part I Chapter 123 § 2725 (3), about any individual obtained by the department in

1 connection with a motor vehicle record for use in connection with
2 any civil proceeding in any court, for the purpose of service of
3 process, investigation in anticipation of litigation, or pursuant to
4 court order.

5 2. Due to the accompanying threats and other dangerous conduct on the
6 part of the defendants, Plaintiff requests immediate granting of
7 this order.

8 3. Plaintiff alleges that he can prove, using, in part, the
9 information this motion seeks to discover, that Defendants,
10 Sunnyvale Department of Public Safety, Santa Clara Police
11 Department, Campbell Police Department, San Jose Police Department,
12 and Santa Clara County Office of the Sheriff, acting under color of
13 law, though outside of their official mandate and lawful authority,
14 exercised command responsibility over, conspired with, aided and
15 abetted, and supervised the actions of its' agents directly under
16 their authority and control who arranged for, carried out, and/or
17 permitted the carrying out of acts of torture, aggravated mayhem,
18 and civil harassment; accordingly, Plaintiff can determine the
19 liability of local law enforcement, and named and unnamed agents
20 in their employ, for the injuries, pain and suffering and other
21 damages caused by Defendants, STALKER DOES ONE to SEVEN.

22
23 **PRE-MOTION ATTEMPTS TO RESOLVE DISPUTE**

24 4. On March 12th, 2008, Plaintiff made the following attempts to
25 discover the requested information:

- 26 • Plaintiff attempted to file a temporary restraining order

1 in the Superior Court of California, County of Santa Clara,
2 Family Division; however, the clerk rejected the filing because
3 Plaintiff could not identify the defendants by name and he did
4 not know their addresses. Plaintiff was then referred to the
5 Santa Clara County Office of the Sheriff; and,
6 • Plaintiff asked to file a report with the Santa Clara County
7 Office of the Sheriff; however, he was referred to the San Jose
8 Police Department, where his request was also refused.
9

10 **RECORD ON MOTION**

11 This motion is based on the information contained in this document
12 and Plaintiff's motion for a temporary restraining order, and the
13 Certificate of Service showing service of these motion papers to
14 Superior Court of California, County of Santa Clara, Family Division,
15 Santa Clara County Office of the Sheriff, San Jose Police Department,
16 and California Department of Motor Vehicles. The motion is also based
17 on the pleading already on file in this action, and on whatever evidence
18 and argument may be presented at any hearing on this motion.
19

20 Signed: _____

21 Dated: _____

22 5-10-08
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